



Memorandum

TO: PLANNING COMMISSION**FROM:** Harry Freitas**SUBJECT:** SEE BELOW**DATE:** February 27, 2015

SUBJECT: PP15-014. An Ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to add a new Section 20.80.1915 and to amend Sections 20.20.100, 20.30.100, 20.30.140, 20.40.100, 20.50.100, 20.70.100, 20.75.200, and 20.100.1230 to revise the permitting process for certain modifications to existing wireless towers and base stations consistent with Federal law, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and Federal Communications Commission Report and Order FCC-14-153, and to make other technical, non-substantive, or formatting changes within Title 20.

RECOMMENDATION

Recommend the City Council approve the attached ordinance amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to revise the City's wireless facilities permitting processes. The proposed ordinance maximizes the City's ability to exercise discretionary review of those applications for modification of existing wireless towers and base stations that are subject to Federal law, Section 6409(a) "Facility Modifications" of the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act, now codified at 47 U.S.C. Section 1455(a)) and Federal Communications Commission ("FCC") Report and Order FCC-14-153 ("Order").

OUTCOME

The proposed amendments to the Zoning Code would allow some modifications of existing wireless towers and base stations for certain types of collocation of Wireless Communication Antennae pursuant to Section 6409(a) and the Order through approval of Administrative Permits by the Director of PBCE.

BACKGROUND

Federal Requirements

On January 8, 2015, a Final Wireless Infrastructure Order issued by the FCC was published in the Federal Register that includes new mandatory requirements for how local governments, including the City of San José, process wireless facility applications, including special rules implementing Section 6409(a) requirements for certain types of collocation.

The Order is intended to promote the deployment of wireless infrastructure to support wireless communications by eliminating what the FCC considers “unnecessary reviews” by jurisdictions that have authority to act on applications for such uses. The Order includes rules for state and local government review of wireless infrastructure siting applications. More specifically, the Order curtails or eliminates some review procedures that the FCC has deemed not necessary for small-size facilities collocating on existing structures that are in compliance with local zoning requirements and concealment measures. One purpose of the FCC’s Order is to encourage collocation on existing towers and structures rather than entirely new towers.

Modifications, Substantial Changes, and Collocations under Section 6409(a)

Section 6409(a) provides, in part, that “a state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” A modification “substantially changes” the physical dimensions of a tower or base station, as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the passage of the Spectrum Act (February 22, 2012), if it meets any of the following criteria:

- **Increases in Height and Width**
 - The modification increases the height of towers outside of public rights-of-way by more than twenty (20) feet or ten percent (10%), whichever is greater;
 - For towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than ten percent (10%) or ten (10) feet, whichever is greater;
 - For towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; or
 - For those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six (6) feet.
- **Equipment Cabinets** – The modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
- **Scope outside the Current Site** – The modification entails any excavation or deployment outside the current site of the tower or base station.
- **Concealment** – The modification would defeat the existing concealment elements of the tower or base station.
- **Prior Approvals** – The modification does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

The City may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

60-Day Shot Clock

The FCC regulations require that within sixty (60) days from the date of filing an application covered by Section 6409(a), accounting for tolling (suspending the running of the processing time), the City shall approve or deny it. Running of the 60-day period or “shot clock” may be tolled by mutual agreement or upon notice by the City to the applicant that an application is incomplete.

The timeframe begins to run when an application is first submitted, not when it is deemed complete by the City. However, the City may toll the running of the shot clock if it notifies the applicant within thirty (30) days of submission that its application is incomplete.

A determination of incompleteness tolls the shot clock only if the City provides notice to the applicant in writing within thirty (30) days of the application’s submission, specifically delineating all missing information, and specifying the code provisions, ordinances, application instructions, or otherwise publicly-stated procedures that require the information to be submitted. Following an applicant’s submission in response to a determination of incompleteness, the State or local government may reach a subsequent determination of incompleteness based solely on the applicant’s failure to supply the specific information that was requested within the first thirty (30) days.

The days prior to the City’s notification of incompleteness to the applicant count towards the 60-day shot clock that the City has to act on applications subject to Section 6409(a). The shot clock begins running again when the applicant makes its supplemental submission. The shot clock may again be tolled if the City notifies the applicant within ten (10) days that the supplemental submission did not provide the specific information identified in the original notice delineating missing information.

An application filed under Section 6409(a) is deemed granted if a state or local government fails to act on it within the requisite time period. Parties may judicially challenge application denials and deemed grants.

ANALYSIS

The primary purpose of the proposed amendments to the Zoning Code is to maximize the City’s ability to exercise discretionary review within the 60-day federally-mandated timeframe that the City has to act on applications subject to Section 6409(a).

As described above in the “Background” section of this memorandum, FCC regulations limit the City’s length of time for review of Wireless Communication Antennae applications and the City’s authority to deny certain requests for modification of Wireless Communication Antennae that are covered by Section 6409(a). The Order limits the City’s ability to use a declaration that an application is incomplete to extend the time for review of such applications.

Currently, the Zoning Code contains provisions for permitting Wireless Communication Antennae through approval of a Conditional Use Permit or a Special Use Permit (Use Permit), a Site Development Permit or a Planned Development Permit (Development Permit), or a Permit Adjustment, depending on the type, size, location, and appearance of the proposed Wireless Communication Antennae. Detailed guidance on the siting and design of Wireless Communication

Antennae is provided in City Council Policy 6-20, “Land Use Policy for Wireless Communication Facilities,” (<http://sanjoseca.gov/DocumentCenter/Home/View/385>). This Policy encourages collocation or Building-mounted Wireless Communication Antennae, and provides guidelines for concealment of such facilities.

Use and Development Permit applications require public hearings for such applications to be considered for approval by the City. Because of the lead times required for preparing and providing notice for public hearings, the City’s ability to exercise full discretionary review prior to making a decision to approve or deny a Use or Development Permit within the federally-mandated 60-day timeframe may be constrained for some applications covered by Section 6409(a).

Permit Adjustments may be approved without a public hearing, but are intended only for very minor changes or additions to previous development approvals. Because of the limited scope of development that may be approved through Permit Adjustments, the City may lack the ability to approve or adequately condition proposals subject to Section 6409(a) through the Permit Adjustment application process.

For the reasons stated above, staff proposes amendments to the Zoning Code to establish provisions that would allow Wireless Communication Antennae that are subject to Section 6409(a) to be approved or denied through an Administrative Permit application process. The Administrative Permit process would allow the City to maintain discretionary review, and conditionally approve or deny such proposals without a public hearing, thereby increasing the feasibility that such applications can be adequately reviewed and conditioned by the City prior to their approval within the federally-mandated 60-day timeframe.

General Plan Consistency

San José’s economy relies on innovation and providing job opportunities for the City’s residents. The Federal regulations can facilitate a fast and reliable network of wireless facilities, which can support local and national economic development.

General Plan Policies for a Diverse and Innovative Economy address the need to provide broad economic prosperity and support for businesses of all sizes. The proposed amendments are consistent with the Innovative Economy Goals, Policies and Implementation Actions in the Envision San José 2040 General Plan including but not limited to the following:

Goal IE-1 – Land Use and Employment. Proactively manage land uses to provide and enhance economic development and job growth in San José.

- The proposed amendments to the Zoning Code would facilitate economic development by facilitating faster and more reliable wireless communications.

Action IE-2.8 – Business Growth and Retention. Evaluate and periodically update the City’s policies, regulations and ordinances to maintain San José’s competitive ability to attract and grow businesses, including small businesses and home occupations.

- The proposed amendments would facilitate business communications.

PUBLIC OUTREACH/INTEREST

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- ☒ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

As of the writing of this staff report, the proposed ordinance is scheduled for a community meeting on March 2, 2015 and for discussion at the PBCE Developers' Roundtable on March 6, 2015. After these public meetings, staff will provide a summary of the outcomes to the Planning Commission.

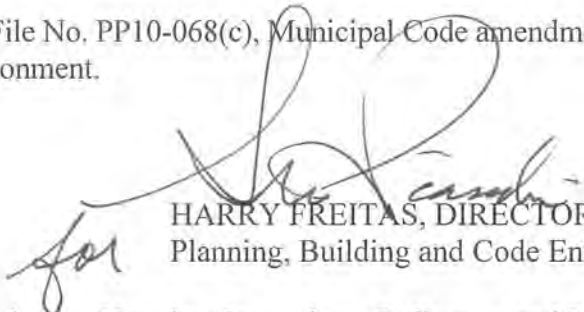
Public outreach for this proposal complies with the City Council's Public Outreach Policy and the Municipal Code. A public hearing notice including the Planning Commission and City Council hearing dates was published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff has posted the hearing notice, staff report and draft ordinance on the Department's website and has been available to discuss the proposal with interested members of the public.

COORDINATION

The preparation of the proposed ordinance and this staff report were coordinated with the City Attorney's Office.

CEQA

Not a project under CEQA pursuant to File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment.


HARRY FREITAS, DIRECTOR
for Planning, Building and Code Enforcement

For questions, please contact Jenny Nusbaum, Planning Supervisor, Ordinance and Policy Team at 408-535-7872.

Attachments: Draft Ordinance

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AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW SECTION 20.80.1915 TO CHAPTER 20.80, TO AMEND SECTIONS 20.20.100 OF CHAPTER 20.20, 20.30.100 AND 20.30.140 OF CHAPTER 20.30, 20.40.100 OF CHAPTER 20.40, 20.50.100 OF CHAPTER 20.50, 20.70.100 OF CHAPTER 20.70 20.75.200 OF CHAPTER 20.75 AND 20.100.1230 OF CHAPTER 20.100 RELATED TO THE ISSUANCE OF ADMINISTRATIVE PERMITS FOR CERTAIN MODIFICATIONS TO EXISTING WIRELESS TOWERS AND BASE STATIONS CONSISTENT WITH FEDERAL LAW, SECTION 6409(A) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012 AND FEDERAL COMMUNICATIONS COMMISSION REPORT AND ORDER FCC-14-153, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN TITLE 20

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, together with related state and local implementation guidelines, including Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of this Ordinance have been found to not constitute a project under CEQA pursuant to File No. PP10-068(c), Municipal Code amendments that involve no changes to the physical environment; and

WHEREAS, the City Council of the City of San José is the decision-making body for the City of San José on this Ordinance; and

WHEREAS, this Council has considered and hereby approves the evaluation and clearance performed pursuant to CEQA.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 20.20.100 of Chapter 20.20 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

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20.20.100 Allowed uses and permit requirements.

- A. "Permitted" land uses are indicated by a "P" on Table 20-30.
- B. "Conditional" uses are indicated by a "C" on Table 20-30. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. Land uses not permitted are indicated by a "-" on Table 20-30. Land uses not listed on Table 20-30 are not permitted.
- D. When the right column of Table 20-30 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title and any other Title of the San José Municipal Code.

Table 20-30 OS Open Space and A Agricultural District Land Use Regulations			
Use	Zoning District		Applicable Section & Notes
	OS	A	
Agriculture and Resource Uses			
Animal breeding (except fish, frogs, rabbits, poultry and hogs)	P	P	Note 1
Animal breeding (fish, frogs, rabbits, poultry and hogs)	C	P	Note 1
Any use or improvement for the conservation of water, reclamation and erosion control	P	P	Note 1
Botanical conservatories, nature garden, nature study areas, and similar uses not within greenhouses or structures	P	-	Note 1
Certified Farmers' Market	S	S	Note 1; Part 3.5, Chapter 20.80;

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Certified Farmers' Market – Small	P	P	Note 1; Part 3.5, Chapter 20.80;
Dairies	P	P	Note 1
Extraction of chemicals from water by natural evaporation	C	-	Note 1
Extraction of minerals from the ground, including quarrying	C	-	Note 1
Filling or removal of earth, including grading	C	-	Note 1
Grazing	P	P	Note 1
Livestock ranch, excluding hogs	P	P	
Livestock ranch, hogs	C	C	
Natural Resource Preservation / Reservation	P	-	Note 1
Pasture	P	P	Note 1
Planting, cultivating, growing, harvesting and drying of crops	C	P	Note 1
Tree farms and forestlands	C	C	Note 1
Wholesale sale of any animals, articles, wares, goods merchandise, or commodities produced on-site in the conduct of any Permitted or Conditional Use	C	C	Note 1
Wildlife refuge	P	-	Note 1
Education and Training			
Child Daycare Center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	Note 1

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Educational, charitable, and philanthropic activities that provide environmental and nature related services/education and are dedicated to the protection and preservation of the environment and/or rural and landscape preservation	C	-	Note 1
Entertainment and Recreation			
Equestrian and riding club	C	C	Note 1
Golf Course	C	-	Notes 1, 2
Marinas and other uses and facilities incidental to water recreation	C	-	Note 1
Shooting range	C	-	Note 1
Trails and paths, including equestrian, pedestrian and bicycle	P	P	Note 1
Public, Quasi-Public and Assembly Uses			
Community television antenna systems	-	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	Note 1
Wireless Communication Antenna	C	C	Notes 1 and 2 Sections 20.100.1300, 20.80.1915
Wireless Communication Antenna, Slimline Monopole	C	S	Note 1 and 4Sections 20.80.1900. 20.80.1915
Wireless Communication Antenna, Building Mounted	P	P	Notes 1 and 4, Sections 20.80.1910, 20.80.1915

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Residential Uses			
One-family Dwelling	C	C	Note 1, Note 3, Section 20.30.110
Home Occupations	P	P	Part 9, Chapter 20.80
Temporary farm labor camp necessary to the gathering of crops grown on the site	-	C	
Electrical Power Generation			
Stand-By/Backup			
Facilities that do not exceed noise or air standards	S	S	
Facilities that do exceed noise or air standards	C	C	
Solar Photovoltaic System	P	P	Section 20.100.610(C)(7)

Notes:

1. The erection, enlargement, structural alteration, or use of any permanent building or structure for any permitted or conditional use in the OS open space district requires the issuance of a conditional use permit, with the exception of certain modifications of existing wireless facilities pursuant to Section 20.80.1915.
2. Clubhouses, pro shops, snack shops, restaurants, bars, and driving ranges may be operated in conjunction with, but not independent of, the golf course. "Miniature golf courses" are not allowed.
3. A One-family Dwelling may be used for a residential care facility or residential service facility for six (6) or fewer residents. No services may be provided to non-residents.
4. Certain modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

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SECTION 2. Section 20.30.100 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

20.30.100 Allowed uses and permit requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-50.
- B. "Conditional" uses are indicated by a "C" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-50. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. Land uses not permitted are indicated by a "-" on Table 20-50. Land uses not listed on Table 20-50 are not permitted.
- E. "Restricted" land uses are indicated by an "R" on Table 20-50. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. When the right column of Table 20-50 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-50 Residential Districts Land Use Regulations					
Use	Zoning District				Applicable Sections & Notes
	R-1	R-2	R-M	R-MH	

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Residential Uses					
One-family Dwelling	P	P	P	C	Note 1, Section 20.30.110
Secondary Dwelling	P	-	-	-	Section 20.30.150
Two-family Dwelling	-	P	P	-	Note 2, Section 20.30.110
Multiple Dwelling	-	-	P	-	
Guesthouse	-	-	C	-	Section 20.30.120
Mobilehome Parks	-	-	-	P	
Travel Trailer Parks	-	-	-	C	
Residential Care Facility, six or fewer persons	P	P	P	P	
Residential Care Facility, seven or more persons	-	-	C	C	
Residential Service Facility, six or fewer persons	P	P	P	P	
Residential Service Facility, seven or more persons	-	-	C	C	
Servants quarters attached to a One-family Dwelling or attached to a garage Structure	P	-	-	-	Note 3
Sororities, fraternities and dormitories occupied exclusively (except for administrators thereof) by students attending college or other educational institutions	-	-	C	-	
Single Room Occupancy Living Unit	-	-	C	-	Part 15, Chapter 20.80

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Residential Accessory Uses and Improvements					
Accessory Buildings and Structures	P	P	P	P	Note 4, Section 20.80.200
Home Occupations	P	P	P	P	Part 9, Chapter 20.80
Entertainment and Recreation Related					
Equestrian and riding club	C	-	-	-	
Golf course	C	C	C	-	Note 5
Private club or lodge	-	-	C	-	
Swim and tennis club	C	C	C	C	
Education and Training					
Child Daycare Center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
School- elementary and secondary (Public)	P	P	P	-	
School- elementary and secondary (Private)	C	C	C	-	
Public, Quasi-Public and Assembly Uses					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	

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Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Health and Veterinary Services					
Emergency ambulance service	C	C	C	C	
General Services					
Certified Farmers' Market	S	S	S	S	Part 3.5, Chapter 20.80; Note 7
Certified Farmers' Market - small	P	P	P	P	Part 3.5, Chapter 20.80; Note 7
Neighborhood agriculture	P	P	P	P	Part 9, Chapter 20.80
Outdoor Vending - fresh fruits and vegetables	P	P	P	P	Part 10, Chapter 20.80; Notes 7 and 8
Bed & Breakfast	C	C	C	-	
Transportation and Utilities					
Community television antenna systems	C	C	C	C	
Off-site, Alternating Use and Alternative Use Parking Arrangements	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	C	C	C	Section 20.90.150
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	

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Wireless Communication Antenna	C	C	C	C	Note 9 Sections 20.30.130, 20.30.140 20.100.1300 and 20.30.1915
Wireless Communication Antenna, Slimline Monopole	S	S	S	S	Note 9 Sections 20.30.130, 20.30.140, 20.80.1900 and 20.80.1915
Wireless Communication Antenna, Building mounted	P	P	P	P	Note 9 Sections 20.30.130, 20.30.140, 20.80.1910 and 20.80.1915
Electrical Power Generation					
Stand-by/Backup					
Facilities that do not exceed noise or air standards	S	S	S	S	Note 6
Facilities that do exceed noise or air standards	-	-	-	-	
Solar Photovoltaic System	P	P	P	P	Sections 20.100.610 C.7. and 20.100.1030 A.6.

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Historic Reuse					
Historic Landmark Structure reuse	C	C	C	C	Part 8.5 Chapter 20.80

Notes:

1. Only one One-family Dwelling unit per lot in the R-1, R-2, R-M and R-MH Districts.
2. Only one primary dwelling Structure per Lot in the R-2 District.
3. Only permitted in the R-1-1 Estate Residential District.
4. No Lot may be used solely for an Accessory Structure or Building.
5. No driving ranges or miniature golf facilities.
6. Stand-by or backup generators that would not otherwise require some permit from the city (including but not limited to building, electrical, or mechanical), and do meet the applicable noise and air standards are not subject to the Special Use Permit requirement.
7. Allowed on school sites, library sites, community center sites, or church/religious assembly sites only.
8. The activity must conform with the location and operational requirements in Section 20.80.820 of Part 10, Chapter 20.80. Allowed for up to two (2) hours per day for each Vending Facility, but not to exceed four (4) hours per day per Lot.
9. Certain modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

SECTION 3. Section 20.30.140 of Chapter 20.30 of Title 20 of the San José Municipal Code is amended to read as follows:

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20.30.140 Wireless Communications Antennae on Residentially Zoned Property with a Residential Use

Wireless Communications Antennae of any type located on Residentially Zoned Property with a residential use shall require a Conditional Use Permit pursuant to the provisions of Chapter 20.100 of this Title, except for certain modification pursuant to Section 20.80.1915 of Chapter 20.80.

SECTION 4. Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is amended to read as follows:

20.40.100 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-90.
- B. “Conditional” uses are indicated by a “C” on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
“Conditional” uses which may be approved only on Parcels designated on the land use/transportation diagram of the General Plan, as amended, with a designation that allows residential use are indicated by a “C^{GP}” on Table 20-90. These uses may be allowed in such designated districts, as a part of Mixed Use residential/commercial, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. “Conditional” uses requiring City Council approval as the initial decision-making body are indicated by a “CC” on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in

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Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

- D. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100. "Special" uses which may be approved only on Parcels designated on the land use/ transportation diagram of the General Plan, as amended, with a designation that allows residential use are indicated by a "S^{GP}" on Table 20-90. These uses may be allowed in such designated districts, as a part of Mixed Use residential/commercial, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not permitted.
- H. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the section number or footnote applies to the use. In

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addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-90 Commercial Districts and Public/Quasi-Public Zoning District Land Use Regulations						
Use	Zoning District					Notes & Section
	CO	CP	CN	CG	PQP	
General Retail						
Retail sales, goods and merchandise	-	P	P	P	-	Note 21
Alcohol, off-site sales - beer and/or wine only	-	C	C	C	-	Section 20.80.900; Note 21
Alcohol, off-site sales, full range of Alcoholic Beverages	-	C	C	C	-	Section 20.80.900; Note 21
Aquaculture/Aquaponics	S	S	S	S	S	
Auction	-	-	-	C	C	
Bakery, retail	-	P	P	P	-	Note 21
Certified Farmers' Market	S	S	S	S	S	Part 3.5, Chapter 20.80
Certified Farmers' Market - Small	P	P	P	P	P	Part 3.5, Chapter

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Food, beverage, groceries	-	P	P	P	S	
Neighborhood Agriculture	P	P	P	P	P	Title 7; Note 19
Nursery, Plant	P	P	P	P	P	Note 1
Outdoor Vending	-	A	A	A	A	Part 10, Chapter 20.80
Outdoor Vending – Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	-	See Title 6
Seasonal sales						Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	-	Section 20.80.1175 ; Note 21
Education and Training						
Child Day Care Center located on an existing School Site or as an incident to an on-site church/religious assembly use involving no Building additions or changes to the Site	P	P	P	P	-	Note 21
Day care center	C	C	C	C	C	

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Instructional Art Studios	-	P	P	P	S	
Instructional Art Studios, with live models	-	C	C	C	C	
Private Instruction, personal enrichment	-	P	P	P	S	
School - elementary and secondary (public or private)	C	C	C	C	S	Note 16; Note 20; Note 21
School, driving (class C & M license)	-	P	P	P	S	Note 2; Note 20; Note 21
School, Post Secondary	-	P	P	P	S	Note 3; Note 20; Note 21
School, Trade and Vocational	-	C	C	C	S	Note 16; Note 20; Note 21
Entertainment and Recreation Related						
Arcade, Amusement Game	-	C	C	C	-	Note 21
Dancehall	-	C	C	C	C	Note 21
Poolroom/billiards establishment	-	C	C	C	-	Note 21
Private club or lodge	C	C	C	C	-	
Recreation, Commercial indoor	-	P	P	P	S	Note 21

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Recreation, Commercial outdoor	-	C	C	C	C	Note 21
Relocated Cardroom	-	-	-	C	-	Section 20.80.1155
Stadium, 2,000 seats or fewer	-	C	C	C	C	Note 17
Stadium, more than 2,000 seats	-	CC	CC	CC	CC	Note 17; Note 18
Theatre, indoor	-	C	C	C	C	Note 21
Theatre, outdoor	-	-	-	C	C	Note 21
Food Services						
Banquet Facility	-	C	C	C	C	
Caterer	-	P	P	P	S	Note 4
Drinking Establishments	-	C	C	C	-	Note 21
Drinking Establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	-	P	P	P	-	Section 20.80.475; Note 21
Public Eating Establishments	-	P	P	P	-	Note 21
Outdoor dining, incidental to a Public Eating Establishment or a retail establishment	-	P	P	P	-	Section 20.40.520; Note 21
Wineries, breweries	-	C	C	C	-	Note 21

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Incidental recreational dancing as part of a Public Eating Establishment or Drinking Establishment	-	P	P	P	-	Note 21
Health and Veterinary Services						
Animal boarding, indoor	- P only as incidental to Neighborhood Agriculture; Otherwise prohibited.	P	P	P	- P only as incidental to Neighborhood Agriculture; Otherwise S.	Section 20.40.120;
Animal grooming	- P only as incidental to Neighborhood Agriculture; Otherwise prohibited.	P	P	P	- P only as incidental to Neighborhood Agriculture; Otherwise S.	Section 20.40.120
Emergency ambulance service	C	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	C	Note 21
Office, Medical	P	P	P	P	S	Note 21
Veterinary Clinic	-	P	P	P	C	Note 16
General Services						
Bail Bond Establishment - outside main jail area	-	P outside of Urban Village; S in Urban	P	P	-	Part 1.5, Chapter 20.80

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		Village				
Bail Bond Establishment - within main jail area	-	P outside of Urban Village; S in Urban Village	P	P	-	Note 14; Part 1.5, Chapter 20.80
Bed and Breakfast Inn	-	P	P	P	-	Part 2, Chapter 20.80; Note 21
Dry cleaner	-	P	P	P	-	Note 21
Hotel or Motel	-	P	P	P	-	Note 21
Single Room Occupancy (SRO) Hotel	-	C	C	C	-	Part 15, Chapter 20.80
Laundromat	-	P	P	P	-	Note 21
Maintenance and repair, small household appliances	-	P	P	P	-	Note 21
Messenger services	P	P	P	P	-	Note 2; Note 21
Mortuary and Funeral Services	P	P	P	P	-	Note 21
Personal Services	-	P	P	P	-	Section 20.200.880 ; Note 21
Photo processing and developing	-	P	P	P	-	Note 21

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Printing and publishing	-	P	P	P	-	Note 21
Offices and Financial Services						
Automatic teller machine	P	P	P	P	S	Section 20.80.200
Business Support	-	P	P	P	-	Note 21
Financial institution	P	P	P	P	-	Note 21
Office, General Business	P	P	P	P	S	Section 20.40.110; Note 21
Payday Lending Establishment	-	R outside of Urban Village; Prohibited in Urban Village	R	R	-	Part 12.5, Chapter 20.80; Section 20.200.875
Public, Quasi-Public and Assembly Uses						
Cemetery	C	C	C	C	C	
Church/religious assembly	C	C	C	C	S	Note 16; Note 20; Note 21
Construction/corporation yard associated with Public, Quasi-Public or Assembly Use or Transportation or Utility Use	-	-	-	-	C	
Museums, libraries, parks, playgrounds, or	P	P	P	P	P	Note 21

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community centers (publicly operated)						
Museums, libraries, parks, playgrounds, or community centers (privately operated)	C	C	C	C	S	Note 20; Note 21
Residential						
Emergency Residential Shelter	C	C	C	C	C	Section 20.80.500
Live/Work Uses	-	S	S	S	-	Note 6; Section 20.80.740
Mixed Use residential/commercial	-	C ^{GP} outside of Urban Village; S ^{GP} in Urban Village	C ^{GP}	C ^{GP}	-	Note 6
Residential Care Facility for seven (7) or more persons	C	C	C	C	C	
Residential Service Facility for seven (7) or more persons	C	C	C	C	C	
Hotel Supportive Housing	C	C	C	C	C	Note 22; Part 22 of Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	-	Note 6; Part 15,

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						Chapter 20.80
Drive-Through Uses						
Drive-through Uses in conjunction with any use	-	-	C	C	C	
Recycling Uses						
Reverse Vending Machine	A	A	A	A	A	Part 13, Chapter 20.80
Small Collection Facility	A	A	A	A	A	Part 13, Chapter 20.80
Transportation and Utilities						
Data Center	-	-	-	C	-	Note 21
Common Carrier	-	-	-	-	C	Note 21
Common Carrier Depot	-	-	-	-	S	Note 21
Community television antenna systems	C	C	C	C	C	
Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	C	C	C	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	C	Note 7

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Television, radio studios without antenna/dishes	-	-	-	C	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Utility Facilities including corporation yards, storage or repair yards and warehouses	-	-	-	-	C	
Wireless Communication Antenna	C	C	C	C	C	Note 23 Sections 20.100.1300, 20.80.1915
Wireless Communication Antenna, Slimline Monopole	S	S	S	S	S	Note 23 Sections 20.80.1900, 20.80.1915
Wireless Communication Antenna, Building Mounted	P	P	P	P	P	Note 23 Sections 20.80.1910, 20.80.1915
Electrical Power Generation						
Fuel Cells	P	P	P	P	P	
Private Electrical Power Generation Facility	C	C	C	C	C	Note 2
Co-generation Facility	S	S	S	S	S	

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Stand-by/backup						
Facilities that do not exceed noise or air standards	A	A	A	P	A	
Facilities that do exceed noise or air standards	C	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	P	Section 20.100.610 C.7.
Vehicle Related Uses						
Accessory installation, passenger vehicles and pick-up trucks	-	C	C	P	-	
Auto dealer, wholesale, no on-site storage	P	P	P	P	-	
Car wash, detailing	-	-	C	C	-	
Gasoline Service or Charge Station	-	C	C	P	C	Note 8, Note 15
Gasoline Service or Charge Station with incidental service and repair	-	C	C	P	C	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	-	Note 13

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Leasing (rental) passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	P	-	Note 2
Sale, brokerage, or lease, commercial vehicles	-	C	C	C	-	Note 13
Sale or brokerage, Passenger Vehicles, pick-up trucks not exceeding twenty-five feet in length, and motorcycles	-	C	S	P	-	Note 12, Note 13
Sale, vehicle parts	-	S	P	P	-	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	C	C	P	-	Note 10, Note 13
Historic Reuse						
Historic Landmark Structure reuse	S	S	S	S	S	Part 8.5 Chapter 20.80

Notes applicable to all Commercial Districts:

1. In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
2. No on site storage of vehicles permitted in the CP and CN Zoning Districts.
3. Includes public and private colleges and universities, as well as extension programs and business schools.

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4. Not a catering facility.
5. No on site storage of vehicles permitted.
6. In an Urban Village, Mixed-use residential/commercial only under an approved Urban Village plan with an implementation financing strategy approved by the City Council or in a Signature Project consistent with the General Plan. Live/work in an area with an Urban Village designation or Urban Village Overlay in the General Plan shall be consistent with applicable approved Urban Village plans.
7. Use must be less than twenty-four (24) hours.
8. No incidental repair or service permitted.
9. Incidental repair includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, fuel system service, electrical service, coolant system service, tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
10. Includes non-invasive engine service, maintenance and repair, including but not limited to air conditioning service, carburetor and fuel injection system service, electrical service, radiator coolant system service, and tune-up, fluid exchanges, steering and suspension system service, brake system service, transmission adjustment and service, lube, oil change, and smog check, diagnostics and vehicle inspections, stock catalytic converters and manifolds, as well as tires, batteries and accessories installation. Does not allow body repair, welding, vehicle restorations, other types of exhaust system repair, the removal of cylinder heads, engines, transmissions/transfer cases and differentials, or painting.
11. No outdoor sales areas or dismantling allowed.
12. In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
13. All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

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14. Bail bond establishments shall not be located and are prohibited uses on the ground floors of Structures located within the main jail area, as that area is defined in Section 20.80.070 of Chapter 20.80 of this title. Bail bond establishments are allowed as shown on Table 20-90 on other, above-ground floors of Structures. All bail bond establishments shall meet all distance requirements specified in Section 20.80.075 of Chapter 20.80 of this Title.
15. Charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Commercial Zoning Districts.
16. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
17. Primary uses include sporting events, assembly venues, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
18. Use Permit applications for Stadiums that consist of more than 2,000 seats and that are in Airport Influence Areas shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
19. Neighborhood Agriculture in conformance with this Title is a Permitted Use that may operate on a Site without a Permanent Building on that Site.
20. The City Council is the decision-making body for Special Use Permit Appeals for this use pursuant to Section 20.100.220 of this Title.
21. In the PQP Public/Quasi-Public Zoning District, the following uses may be allowed as a use supporting and incidental to a primary PQP use:
 - a. Offices, retail, Public Eating Establishments, and other commercial uses of similar character and intensity, with approval of a Special Use Permit; and
 - b. Drinking Establishments, Off-sale of Alcoholic Beverages, Arcade Amusement Games, Poolroom/Billiards Establishments, wineries, breweries, and Data Centers, with approval of a Conditional Use Permit.
22. Hotel Supportive Housing may be permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.

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23. Certain modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

SECTION 5. Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

20.50.100 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-110.
- B. “Permitted” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial land use designation or, in the case of Hotel/Motel establishments, which may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a “P^{GP}” on Table 20-110.
- C. “Conditional” uses are indicated by a “C” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

“Conditional” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation or, in the case of Hotel/Motel establishments, may also be approved on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Preferred Hotel Site Overlay, are indicated by a “C^{GP}” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

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- D. “Conditional” uses requiring City Council approval as the initial decision-making body are indicated by a “CC” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.

“Conditional” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the General Plan, as amended, with the Combined Industrial/Commercial designation are indicated by a “CC^{GP}” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- E. “Special” uses are indicated by a “S” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- F. “Administrative” uses are indicated by an “A” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- G. “Restricted” land uses are indicated by an “R” on Table 20-110. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.

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- H. Land uses not permitted are indicated by a “-” on Table 20-110. Land uses not listed on Table 20-110 are not permitted.
- I. When the right column of Table 20-110 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-110 Industrial Districts Land Use Regulations						
Use	Zoning District					Applicable Sections & Notes
	CIC	TEC	IP	LI	HI	
Industry						
Auction	C	C	C ^{GP}	C ^{GP}	-	
Industrial services	-	-	-	P	P	
Laboratory, processing	P	P	P	P	P	
Manufacturing and assembly						
Light	P	P	P	P	-	

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Medium	P	P	P	P	P	
Heavy	-	-	-	-	P	
Research and development	P	P	P	-	-	
Catalog and mail order	P	P	P	P	-	
Construction / corporation yard	-	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	-	C	
Hazardous materials storage facility	-	-	-	C	C	
Hazardous waste facility	-	-	-	-	C	
Junkyard	-	-	-	-	C	
Miniwarehouse/ministorage	-	-	-	P	P	
Outdoor uses or storage, industrial	-	-	-	S	P	Section 20.50.210
Private Power Generation	C	C	C	C	C	
Stockyard, including	-	-	-	-	C	

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slaughter						
Warehouse/distribution facility	P	P	P	P	P	
Wholesale sale establishment	P	S	S	P	P	
Wineries, breweries	P	P	P	P	P	
Additional Uses						
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	-	C	
Any use without a permanent fully enclosed Building on-site	C	C	C	S	S	
Commercial support	-	P	P	-	-	Note 5; Section 20.50.110
Retail sales, goods and merchandise	P	P	-	-	-	Note 5; Section 20.50.110
Retail Art Studio	P	P	-	-	-	
Alcohol, off-site sales –beer and/or wine only	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-site sales, full range of alcoholic beverages	C	C	-	-	-	Note 5; Section 20.50.110
Alcohol, off-site sales –beer and/or wine only and incidental to a	C	C	C	C	C	Note 12; Section 20.50.110

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winery/brewery						
Alcoholic beverages, off-site sales –distilled spirits only and incidental to a distillery	C	C	C	C	C	Note 12; Section 20.50.110
Bakery, retail	P	P	-	-	-	Note 5; Section 20.50.110
Aquaculture; Aquaponics	S	S	S	S	S	
Certified Farmers' Market	-	S	S	-	-	Part 3.5, Chapter 20.80
Certified Farmers' Market – Small	-	P	P	-	-	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	P	-	-	-	Note 5; Section 20.50.110
Neighborhood Agriculture	P	P	P	P	P	
Nursery, plant	P	P	-	C	C	
Outdoor Vending	A	A	-	A	A	Part 10, Chapter 20.80
Outdoor Vending – Fresh Fruits and Vegetables	P	P	P	P	P	Part 10, Chapter 20.80
Large Format Commercial Establishment	-	-	C ^{GP}	C ^{GP}	-	
Large Format Commercial Establishment, associated commercial	-	-	C ^{GP}	C ^{GP}	-	Section 20.50.115

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Warehouse Retail	-	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	P		C		
Seasonal sales	P	P	P	P	P	Part 14, Chapter 20.80
Education and Training						
Day care center	C	C	C ^{GP}	C ^{GP}	-	
School, driving (class A & B license)	-	-	-	P	P	
Instructional Art Studios	P	P	-	-	-	
Instructional Art Studios, live models	C	C	-	-	-	
Private Instruction, personal enrichment	P	P	-	-	-	
School- elementary and secondary (public or private)	C	C	-	-	-	Note 11
School, post secondary	C	C	C	-	-	
School, trade and vocational	C	C	-	C	C	
Entertainment and Recreation Related						
Recreation, Commercial / Indoor	P	C on lands with a General Plan land use	C ^{GP}	C ^{GP}	-	Note 5, Section 20.50.110

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		designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations				
Recreation, Commercial / Outdoor	C	-	-	-		
Relocated Cardroom	C ^{GP}	C ^{GP}	C ^{GP}	C ^{GP}	-	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C	C ^{GP}	-	
Stadium, 2,000 seats or fewer including incidental support uses	C ^{GP}	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations	-	-	-	Note 15
Stadium, more than 2,000 seats including incidental support uses	CC _P ^G	-	-	-	-	Note 15; Note 16
Food Services						
Caterer	P	P	-	-	-	

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Drinking Establishments	C	C	-	-	-	
Drinking Establishments interior to a full-service Hotel/Motel that includes 75 or more Guest Rooms	P	S if within 150 feet of residentially used or zoned Lot; P if not within 150 feet of residentially used or zoned Lot	P ^{GP}	-	-	Section 20.80.475; Note 13
Drinking Establishment in conjunction with a winery or brewery	C	C	C	C	C	
Public Eating Establishments	P	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	S if within 150 feet of residentially used or zoned Lot; P if not within 150 feet of residentially used or zoned Lot	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services						
Animal boarding, indoor	P	P	-	-	-	Note 14
Animal grooming	P	P	-	-	-	Note 14

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Emergency ambulance service	C	C ^{GP}	C ^{GP}	C ^{GP}	-	
Hospital/in-patient facility	C	C	C	-	-	Note 6
Medical Marijuana Collective	R	-	R	R	R	Part 9.75, Chapter 20.80
Medical Marijuana Collective Cultivation Site Only	R	-	R	R	R	Part 9.75, Chapter 20.80
Office, Medical	P	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	P	-	-	-	Note 14
General Services						
Crematory	-	-	-	C ^{GP}	C	Note 7
Mortuary, without funeral services	-	-	-	P	P	
Dry cleaner	P	P	-	-	-	
Hotel / Motel	P	P on lands with a General Plan land use designation of Transit Employment Center; P ^{GP} on lands with other General Plan land use designations	C ^{GP}	-	-	Note 13

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Laundromat	P	P	-	-	-	
Maintenance and repair, small household appliances	P	P	-	-	-	
Messenger services	P	P	-	-	-	
Personal services	P	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	P	
Printing and publishing	P	P	P	P	P	
Social Service Agency	-	C	C	C	C	
Offices and Financial Services						
Automatic teller machine	P	P	P	P	P	Section 20.80.200
Business support	P	P	-	-	-	
Financial institution	P	P	-	C ^{GP}	-	Note 5, Section 20.50.110
Office, general business	P	P	P	-	-	
Office, research and development	P	P	P	-	-	
Public, Quasi-Public and Assembly Uses						
Church / Religious assembly	C	C on lands with a General	C ^{GP}	C ^{GP}	-	

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		Plan land use designation of Transit Employment Center; C ^{GP} on lands with other designations				
Residential						
Hotel Supportive Housing	C	C	C	C	C	Note 17; Part 22 of Chapter 20.80
Emergency residential shelter, more than 50 beds	C	C ^{GP}	C ^{GP}	C	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C	C ^{GP}	C	-	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	-	C	Note 1
Drive-Through Use						
Drive-through in conjunction with any use	C	C ^{GP}	C ^{GP}	C ^{GP}	-	
Recycling Uses						
Recycling Processing Facility	-	C	C	S	S	
Recycling Transfer Facility	-	C	C	S	S	
Large Collection Facility	-	-	-	-	P	

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Reverse Vending	A	A	A	A	A	
Small Collection Facility	A	A	A	A	A	
Transportation and Utilities						
Common Carrier	-	-	-	C	P	
Common Carrier Depot	S	S	S	S	S	
Community television antenna systems	C	C	C	C	C	
Data Center	S	S	S	S	S	
Off-site, Alternating and Alternative Use Parking Arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment not permitted in Tables 20-30, 20-50 and 20-90	C	C	C	C	C	
Parking establishment, off-street	C	C	C	C	C	
Television, radio studio	C	C	C	C	C	
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	C	
Wireless Communication Antenna	C	C	C	C	C	Note 18 Sections 20.100.1300 20.80.1915

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Wireless Communication Antenna, Slimline Monopole	S	S	S	S	S	Note 18 Sections 20.80.1900, 20.80.1915
Wireless Communication Antenna, Building Mounted	P	P	P	P	P	Note 18 Sections 20.80.1910, 20.80.1915
Power Generation						
Base Load Facility	-	-	-	-	C	
Stationary Peaking Facility	-	-	-	C	C	
Transportable Peaking Facility	-	-	-	C	C	
Private Power Generation Facility	C	C	C	C	C	
Co-generation Facility	S	S	S	S	S	
Stand-by/Back-up/ Small-scale Renewable Power						
Facilities that do not exceed noise and air standards	P	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	C	
Temporary stand-by-backup	P	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	P	Section 20.100.610 C.7.

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Vehicle Related Uses						
Auto dealer, wholesale, no on-site storage	P	P	P	-	-	
Car wash, detailing	C	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C	C ^{GP}	C ^{GP}	-	Note 2, Note 8
Gas or charge station with incidental service and repair	P	C	C ^{GP}	C ^{GP}	-	Note 3
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	-	C	-	Note 10
Warehouse indoor retail sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	C	C	C	Section 20.50.140
Repair and cleaning of vehicles	C	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	-	C	-	
Sale, vehicle parts	P	P	-	P/S	-	Note 9

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Vehicle tow yard	-	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	-	C	
Historic Reuse						
Historic Landmark Structure reuse	S	S	S	S	S	Part 8.5 Chapter 20.80

Notes:

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune- up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP District subject to the limitations of commercial support use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
7. Crematories shall be separated by at least 500 linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
8. Charging stations that are incidental to a separate primary use, that do not impact

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on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all industrial zoning districts.

9. Vehicle parts sales are permitted in the LI District when the total floor area dedicated to retail display and open to the public occupies no more than 15% of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed 15% of the gross floor area of the individual tenant space are subject to a special use permit.
10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
11. Public schools are subject to the regulations of this title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
12. Off-sale of Alcoholic Beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
13. At least two hundred (200) rooms and four (4) or more stories in Height are required for hotels located in the TEC Transit Employment Center Zoning District.
14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a Building.
15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
16. Use Permit applications for stadiums that consist of more than 2,000 seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.

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17. Hotel Supportive Housing may be permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
18. Certain modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

SECTION 6. Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

20.70.100 Allowed Uses and Permit Requirements

- A. “Permitted” land uses are indicated by a “P” on Table 20-140.
- B. “Conditional” uses requiring Planning Commission approval as the initial decision-making body are indicated by a “C” on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the Planning Commission, or City Council on appeal, as set forth in Chapter 20.100.
- C. “Conditional” uses requiring City Council approval as the initial decision-making body are indicated by a “CC” on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. “Special” uses are indicated by a “S” on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.

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- E. “Administrative” uses are indicated by an “A” on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. “Restricted” land uses are indicated by an “R” on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a “-” on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- H. The column of Table 20-140, under the heading “Additional Use Regulations for the DG Area”, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space (“DG Area”), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.
- I. The “Parking” column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- J. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In

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addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning District		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to all Downtown Districts
Offices and Financial Services					
Automatic teller machine	P	P		No parking	Section 20.80.200
Business support	P	P	S, Notes k and n	No parking	
Financial institution	P	P	S, Note n	2.5 per 1,000 sq. ft.*	
Financial services	P	P	S, Notes m and n	No parking	
Offices, business and administrative	P	P	S, Notes i and n	2.5 per 1,000 sq. ft.*	Section 20.70.110
Payday lending establishment	R	R			Part 12.5, Chapter 20.80; Section 20.200.875

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Research and development	P	P	-	2.5 per 1,000 sq. ft.*	Note 1
General Retail					
Alcohol, off-site sales - beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales - full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Certified Farmers' Market	S	S		No parking	Part 3.5, Chapter 20.80
Certified Farmers' Market - small	P	P		No parking	Part 3.5, Chapter 20.80
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor Vending	S	S		No parking	Part 10, Chapter 20.80
Outdoor Vending - fresh fruits and vegetables	P	P		No parking	Part 10, Chapter 20.80
Pawn shop, pawn broker	C	C	Note b	No parking	

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Retail sales, goods and merchandise	P	P	Note a	No parking	
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
Education and Training					
Day care center	P	P	S, Notes c and n	No parking	
Post-secondary school	P	P	-	1 per 360 sq. ft.	
Trade school	P	P	-	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	
Personal enrichment, instructional art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K - 8)	C	C	-	1 per teacher and employee	
High school (grades 9 - 12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
Entertainment and Recreation Related					
Amusement	C	-	Note e	No parking	

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arcade					
Movie theater	P	P		No parking	
Recreation commercial / indoor	P	P		No parking	
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
Food Services					
Banquet facility	P	P		No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-		No parking	Note 7
Drinking establishments interior to a full-service hotel/motel with 75 or more guest	P	P		No parking	Section 20.80.475

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rooms					
Public eating establishments	P	P		No parking	Note 9
Wineries, breweries	C	C		No parking	
Health and Veterinary Services					
Animal grooming	P	P	-	No parking	
Animal boarding, indoor	P	P	-	No parking	
Emergency ambulance service	C	-	-	No parking	
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or dental clinic / out-patient facility	P	P	-	1.5 per doctor	
Medical Marijuana Collective	R	-	-	No parking	Part 9.75, Chapter 20.80
Veterinarian	P	P	-	1.5 per doctor	
General Services					
Bed and breakfast	P	P	S, Note I	.35 per room	Part 2, Chapter 20.80

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Hotel/motel	P	P	-, Note l	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal services	P	P	Note g	No parking	
Printing and publishing	P	P	Note h	No parking	
Public, Quasi-Public and Assembly Uses					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	
Information center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note j	No parking	
Residential					

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Residential shelter	C	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.*	
Live/work	P	S		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential care facility for seven or more persons	C	C	-	.75 per employee	
Residential services facility for seven or more persons	C	C	-	.75 per employee	
Hotel Supportive Housing	C	C	-	.35 per room	Note o; Part 22 of Chapter 20.80.
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Part 15, Chapter 20.80
Residential Accessory Uses					
Accessory buildings and structures	P	P	-	No parking	Note 2

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Recycling Uses					
Reverse vending	S	S	-	No parking	Part 13, Chapter 20.80
Small collection facility	S	S	-	No parking	Part 13, Chapter 20.80
Transportation and Communication					
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	
Private electrical power generation facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary stand-by / backup generators	P	P	-	N/A	

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Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio and television studios	P	-	Note n	No parking	
Wireless communication antenna	S	-	-	No parking	Note 10 Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	-	-	No parking	Note 10 Sections 20.80.1900, 20.80.1915
Electrical Power Generation					
Solar photovoltaic system	P	P	-	No parking	Section 20.100.610 C.7.
Vehicle Related Uses					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 3, Note 8
Gas or charge station with	P	-	-	No parking	Note 3

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incidental service and repair					
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	
Historic Reuse					
Historic landmark structure reuse	S	S		Section 20.90.220E.	Part 8.5 Chapter 20.80

Notes:

Notes applicable to the DG Area only:

- a. Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- b. Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- c. Only as a use incidental to existing on-site office use, otherwise not permitted.
- d. Culinary/art school with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- e. Allowed only as an incidental use to other allowed recreation uses.

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- f. Only as a use incidental to restaurant, grocery or bakery uses for primarily on-site sales, otherwise not permitted.
- g. Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- h. Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- i. Exception for travel agencies and real estate agencies which are the only permitted uses.
- j. Community centers are not allowed.
- k. Exception for copy shops and mail centers which are the only permitted uses.
- l. Use of ground floor to be primarily dedicated to customer-related public services.
- m. Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.
- n. In order to be a permitted use, the space to be occupied shall have been vacant on January 1, 2012, the size of the space of such use shall be limited in size to a total maximum area of no greater than twenty thousand (20,000) square feet, and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two (2) public streets. Any use that does not meet all of the criteria specified above in this note may be allowed with a Special Use permit, and a Special Use Permit is and shall be required.
- o. Hotel Supportive Housing may be permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.

Notes applicable to Downtown Primary Commercial (DC) Zoning District, including DG Area:

- 1. Excludes manufacturing uses.
- 2. No lot may be used solely for an accessory structure or building.
- 3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.

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4. All activity must be conducted indoors.
5. Non-engine and exhaust-related service and repair allowed as incidental use.
6. Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940B, incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
7. Maximum occupancy load shall be that maximum occupancy load determined by the City Fire Marshal.
8. Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons of the primary use on-site are permitted in all Downtown Zoning districts.
9. Includes on-site outdoor dining area(s).
10. Minor modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

Section 8. Section 20.75.200 of Chapter 20.75 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

20.75.200 Allowed uses and permit requirements

- A. "Permitted" land uses are indicated by a "P" on Table 20-156.
- B. "Conditional" uses are indicated by a "C" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-156. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- E. Land uses not permitted are indicated by a "-" on Table 20-156. Land uses not listed on Table 20-156 are not permitted.

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- F. When the right column of Table 20-156 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote applies to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

Table 20-156 Pedestrian Oriented Districts Land Use Regulations					
Use	Main Street Zoning Districts				Applicable Sections & Notes
	MS-G			MS-C	
	Ground Floor Commercial Frontage	Residential Street Frontage	All Other		
General Retail					
Retail sales, goods and merchandise	P	-	P	P	
Alcohol, off-site sales - beer and/or wine only	C	-	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	C	-	C	C	Section 20.80.900
Bakery, retail	P	-	P	P	
Certified farmers' market	S	-	S	S	Part 3.5, Chapter 20.80;

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Certified farmers' market - small	P	-	P	P	Part 3.5, Chapter 20.80;
Food, beverage, groceries	P	-	P	P	
Neighborhood agriculture	-	P	-	-	Part 9, Chapter 20.80
Nursery, plant	-	-	P	P	Note 1
Outdoor Vending	A	-	A	A	Part 10, Chapter 20.80
Outdoor Vending - fresh fruits and vegetables	P	-	P	P	Part 10, Chapter 20.80
Pawn shop/broker	C	-	C	C	See Title 6
Seasonal sales	P	-	P	P	Part 14, Chapter 20.80
Retail Art studio	P	-	P	P	Part 13.7, Chapter 20.80
Education and Training					
Child Daycare Center located on an existing school site or as an incident to an on-site church/religious assembly use	-	-	P	P	

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involving no building additions or changes to the site					
Day care center	C	-	C	C	
Instructional Art Studios	P	-	P	P	
Instructional Art Studios, with live models	C	-	C	C	
Private instruction, personal enrichment	P	-	P	P	
School- elementary and secondary (public)	P	-	P	P	
School- elementary and secondary (private)	C	-	C	C	
School, driving (class C & M license)	P	-	P	P	Note 2
School, post secondary	P	-	P	P	Note 3
School, trade and	C	-	C	C	

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vocational					
Entertainment and Recreation Related					
Arcade, amusement	C	-	C	C	
Dancehall	C	-	C	C	
Poolroom/billiards establishment	C	-	C	C	
Private club or lodge	C	-	C	C	
Recreation, commercial (indoor)	P	-	P	P	
Recreation, commercial (outdoor)	-	-	C	C	
Relocated Cardroom	-	-	-	-	
Theatre, indoor	C	-	C	C	
Theatre, outdoor	-	-	C	C	
Assembly	C	-	C	C	
Food Services					
Banquet facility	C	-	C	C	

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Caterer	P	-	P	P	Note 4
Drinking Establishments	C	-	C	C	
Drinking Establishment interior to a full-service Hotel/Motel with 75 or more guest rooms	P	-	P	P	Section 20.80.475
Public Eating Establishments	P	-	P	P	
Outdoor dining, incidental to a Public Eating establishment or a retail establishment	P	-	P	P	Section 20.75.320
Wineries, breweries	C	-	C	C	
Health and veterinary services					
Animal boarding, indoor	-	-	P	P	Note 5
Animal grooming	P	-	P	P	Note 5
Emergency ambulance service	-	-	C	C	

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Hospital/in-patient facility	C	-	C	C	
Medical clinic/out-patient facility	P	-	P	P	
Office, medical	P	-	P	P	
Veterinary clinic	P	-	P	P	
General Services					
Bed and breakfast	-	-	P	P	Part 2, Chapter 20.80
Dry cleaner	P	-	P	P	
Hotel/Motel	-	-	P	P	
Laundromat	P	-	P	P	
Maintenance and repair, small household appliances	P	-	P	P	
Messenger services	P	-	P	P	Note 2
Mortuary and funeral services	P	-	P	P	
Personal services	P	-	P	P	Section 20.200.880

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Photo processing and developing	P	-	P	P	
Printing and publishing	P	-	P	P	
Offices and Financial Services					
Automatic teller machine	P	-	P	P	Section 20.80.200
Business support	P	-	P	P	
Financial institution	P	-	P	P	
Office, general business	P	-	P	P	
Public, Quasi-Public and Assembly Uses					
Cemetery	-	-	-	-	
Church/religious assembly	C	-	C	C	
Museums, libraries, parks, playgrounds, or community centers (publicly operated)	P	-	P	P	
Museums, libraries, parks, playgrounds, or community	C	-	C	C	

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centers (privately operated)					
Residential/mixed use					
Multiple dwellings	-	C	C	C	Section 20.75.210
Residential accessory uses including, recreation facilities, mail rooms, laundry facilities, storage and other similar facilities	-	P	P	P	Section 20.75.210
Home occupation	-	P	P	P	Part 9, Chapter 20.80
Mixed use/ground floor commercial with residential above	C	-	C	C	Section 20.75.210
Emergency residential shelter	-	-	-	-	Section 20.80.500
Live/work	C	-	S	-	Part 9.5, Chapter 20.80 & Section 20.75.210
Residential care facility, six or fewer persons	-	P	P	P	Section 20.75.210

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Residential service facility, six or fewer persons	-	P	P	P	Section 20.75.210
Residential care facility for seven or more persons	-	C	C	C	Section 20.75.210
Residential service facility for seven or more persons	-	C	C	C	Section 20.75.210
Single room occupancy hotel	-	-	C	C	Part 15, Chapter 20.80
Single room occupancy living unit	-	-	C	C	Part 15, Chapter 20.80; Section 20.75.210
Drive-Through Uses					
Drive-through in conjunction with any use	-	-	C	C	Section 20.75.330
Recycling Uses					
Reverse Vending	A	P	A	A	Part 13, Chapter 20.80
Small collection facility	A	-	A	A	Part 13, Chapter 20.80
Transportation and Utilities					

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Data center	-	-	-	-	
Community television antenna systems	-	-	C	C	
Off-site, Alternating Use and Alternative Parking Arrangements	S	S	S	S	Section 20.90.200
Parking Establishment, Off-street	C	-	C	C	Section 20.75.130.B.3
Utility Structures	A	A	A	A	Part 19, Chapter 20.80 and Section 20.75.120.A.4
Utility Facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	-	
Short term parking lot for uses or events other than on-site	-	-	C	C	Note 6
Wireless	-	-	C	C	Note 12

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Communication Antenna					Sections 20.100.1300, 20.80.1915
Wireless Communication Antenna, Slimline Monopole	-	-	S	S	Note 12 Sections 20.80.1900, 20.80.1915
Wireless communication antenna, building mounted	P	P	P	P	Note 12 Sections 20.80.1910, 20.80.1915
Electrical Power Generation					
Private electrical power generation facility	-	-	C	C	Note 2
Co-generation facility	S	-	S	S	
Stand-by/backup					
Facilities that do not exceed noise or air standards	A	S	A	A	
Facilities that do exceed noise or air standards	C	-	C	C	
Temporary stand-	P	-	P	P	

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by/backup					
Solar photovoltaic system	P	P	P	P	Section 20.100.610C.7.
Vehicle Related Uses					
Accessory installation, passenger vehicles and pick-up trucks, indoors	P	-	P	P	
Auto broker, wholesale, no on-site storage	P	-	P	P	
Car wash, detailing	-	-	-	-	
Gas or charge station	-	-	-	-	
Gas or charge station with incidental service and repair	-	-	-	-	
Glass sales, installation and tinting	P	-	P	P	Note 10
Sale or lease, commercial vehicles	-	-	-	-	Note 10
Sale or lease passenger	S	-	S	S	Note 9, Note

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vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles, indoors					10
Rental passenger vehicles, pick- up trucks not exceeding 25 feet in length, and motorcycles	S	-	S	S	Note 2
Sale, vehicle parts	S	-	S	S	Note 8
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	S	-	S	S	Note 7, Note 10
Historic Reuse					
Historic landmark structure reuse	S	C	S	S	Part 8.5 Chapter 20.80

Notes:

- (1) Landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.

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- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) All uses involving any type of care for animals, including but not limited to grooming, boarding, or medical care must be conducted wholly inside a building.
- (6) Use must be less than 24 hours.
- (7) Non-engine and exhaust related service and repair allowed as incidental.
- (8) No outdoor sales areas or dismantling allowed.
- (9) Incidental repair of vehicles is prohibited.
- (10) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.
- (11) Pedestal charging stations that are incidental to a separate primary use, that do not impact on-site or off-site vehicular circulation, and that serve patrons or residents of the primary use on-site are permitted in all Pedestrian Oriented Zoning Districts.
- (12) Certain modification of existing wireless facilities may be permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

Section 9. Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended to add a new section 20.80.1915 to be entitled and read entirety as follows:

20.80.1915 Modification of Existing Wireless Towers and Base Stations

- A. This Section is adopted pursuant to Section 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act now codified at 47 U.S.C. Section 1455(a) ("Section 6409(a)") and Federal Communications Commission Report and Order FCC-14-153 ("Wireless Infrastructure Order") and shall be retroactive to April 8, 2015, the effective date of the Wireless Infrastructure Order.
- B. For purposes of this Section, the following definitions shall apply:
 - 1. "Baseline Condition" means:

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(a) as to Height, the Height of the original Wireless Tower or Base Station where the Transmission Equipment is proposed to be separated horizontally from the Existing Transmission Equipment; and for all other deployments, the Height of the Wireless Tower or Base Station, including all modifications approved prior to February 22, 2012.

(b) as to all other conditions, the conditions approved by the City prior to February 22, 2012.

2. “Base Station” means a non-Wireless Tower supporting Structure at a fixed location which has Transmission Equipment that enables FCC licensed or authorized Wireless communications between user equipment and a communications network.

3. “Collocation” means the mounting or installation of Transmission Equipment on a Wireless Tower or Base Station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

4. “Concealment Elements” means camouflaging methods applied to Wireless Towers and Base Stations that render Wireless Towers or Base Stations more visually appealing or blend the Wireless tower or Base Station into an Existing Structure or visual backdrop in such a manner as to render the Wireless Tower or Base Station minimally visible to the casual observer. Concealment may utilize, but does not require, concealment of all components of the Wireless Transmission Equipment.

5. “Current Site” means:

(a) for Wireless Towers, the current boundaries of the leased or owned property surrounding the Wireless Tower and any related access or utility easements; and

(b) for Base Stations, the current boundaries of the leased or owned property surrounding the Base Station and any related access or utility easements, and

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further restricted to the area in proximity to the Base Station and other Transmission Equipment already deployed on the ground.

6. “Existing Wireless Tower” or “Existing Base Station” means a Wireless Tower or Base Station, with both a physical and a legal existence, and does not include structures that (1) that merely could support transmission equipment (2) were illegally constructed without all proper Wireless Site review or (3) were legally constructed but at a time when applicable local law did not require Wireless Site review.

7. “FCC” means the Federal Communication Commission.

8. “Modification” means removal or replacement of an antenna or any other Wireless Transmission Equipment or hardening of a Wireless Tower or Base Station, but does not include complete replacement of a Wireless Tower or Base Station.

9. “Substantially change the physical dimensions” means any of the following, and refers to a single change, or a series of changes over time (whether made by the same or different entities) viewed against the Baseline Conditions for the Wireless Tower or Base Station that would have any of the effects described below:

(a) Changing the physical dimensions or exposed surface area of a Wireless Tower or Base Station, where the changes would be inconsistent with the design of the Baseline Condition Concealment;

or

(b) Entails excavation or deployment outside the Current Site boundaries.

(c) Increasing the Height of an Existing Wireless Tower or Base Station, as measured against the Baseline Condition, by the greater of more than ten percent (10%), or the Height of one additional antenna array with separation from the nearest existing antenna, not to exceed twenty (20) feet; or increasing the Height of a Base Station

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by the greater of more than ten percent (10%) or ten (10) feet, whichever is greater; or

(d) Increasing the width of an Existing Wireless Tower by adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower by more than twenty (20) feet or more than the width of the Tower at the level of appurtenance, whichever is greater; or increasing the width of a Base Station by adding an appurtenance to the structure that would protrude more than six (6) feet.

(e) Installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4) cabinets, installing new equipment cabinet(s) on the ground at Base Stations if there are no existing cabinets associated with the Base Station, or installing ground cabinets at Base Stations that are more than ten percent (10%) larger in Height or overall volume than any other ground cabinet associated with the Base Station.

(f) Would result in the Wireless Tower or Base Station as modified being out of compliance with any Baseline Conditions associated with the Wireless Tower or Base Station, other than those conditions related to Height, width, equipment cabinets, excavation/deployment, or Concealment Elements.

9. "Transmission Equipment" means any equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennae and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

10. "Wireless" means any FCC authorized wireless communications service.

11. "Wireless Tower" means any Structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities.

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- C. Notwithstanding any other provision of Title 20 of this Code, a request for Collocation or Modification that will not result in a Substantial Change in the physical dimensions of an Existing Wireless Tower or Base Station, shall be approved, conditionally approved or denied in accordance with the procedures set forth in Part 10 of Chapter 20.100 of this Code, with the exception of Sections 20.100.1210, 20.100.1220, 20.100.1250 and 20.100.1260, provided that the Director finds that the proposed Collocation or Modification will comply with generally applicable building, structural, electrical and safety codes and all other objective standards set forth in this Code related to health and safety.
- D. In addition to all Administrative Permit application requirements otherwise applicable, each application for an Administrative Permit that is submitted under this Section shall clearly identify the application as a Section 6409(a) Wireless application and shall be accompanied by:
1. A detailed written description of the proposed modifications to the existing facilities;
 2. A photograph or graphic description to scale, and a written description of the Wireless Tower or Base Station as originally constructed, if available, and a photograph of the Existing Wireless Tower or Base Station, and a graphic depiction to scale of the Wireless Tower or Base Station after Collocation or Modification, showing all relevant dimensions overlayed on the Current Site;
 3. A description of all construction that will be performed in connection with the proposed Collocation or Modification, including any excavation; and
 4. A signed declaration by the Applicant certifying the Baseline Condition as to Height and the Current Site boundaries.

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E. The approval of a Collocation or Modification pursuant to this Section 20.80.1915 shall not extend the term of the initial Development Permit approval.

G. This Section 20.80.1915 is adopted to comply with Section 6409(a) and the Wireless Infrastructure Order. This Section shall become null and void if Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated. All permits issued pursuant to this Section 20.80.1915 shall terminate on the ninety-first (91st) day after Section 6409(a) or the Wireless Infrastructure Order is rescinded or invalidated.

SECTION 10. Section 20.100.1230 of Chapter 20.100 of Title 20 of the San José Municipal Code is amended to read as follows:

20.100.1230 NOTIFICATION OF DENIAL

- A. Whenever an Administrative Permit is denied hereunder, the director shall notify the applicant in writing of the grounds upon which such denial is based.
- B. The applicant may seek a Special Use Permit, or Conditional Use Permit where otherwise required, if an Administrative Permit has been denied.

PASSED FOR PUBLICATION of title this day of , 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

DRAFT

ATTEST:

TONI TABER, CMC
City Clerk

**The following
items were
received after
packets were
distributed.**

Date: March 9, 2015 at 11:30:50 PM PDT

From: Qiushuang Zhang <qs Zhang12@yahoo.com>

Reply-To: Qiushuang Zhang <qs Zhang12@yahoo.com>

To: "kline@libraryworld.com" <kline@libraryworld.com>, "dyob@hopkinscarley.com" <dyob@hopkinscarley.com>, "edesab@yahoo.com" <edesab@yahoo.com>, "nick@nickpham.com" <nick@nickpham.com>, "brian.ohalloran@att.net" <brian.ohalloran@att.net>, "Ed@Abelite.com" <Ed@Abelite.com>

Subject: Oppose Agenda Item 4c: revise the permitting process of existing wireless towers ...

Dear Planning Commission Board Members,

I am a resident of San Jose. I oppose the Agenda item 4c, revise the permitting process for certain modifications to existing wireless towers and base stations.

The FCC RF radiation regulation is established 20 years ago which is not suitable for current situations. The newer wireless towers antenna are emitting more RF radiation which disturbs human's cellular stress response and cause many health issues.

The fast permitting process will enable high radiation towers sneak in to the neighborhood without public awareness. The high radiation will damage the public health which increase the city and communities' burdens.

Our Lynbrook High school is an example of building cell towers without public awareness. Wireless companies post their hearing notice during summer break and inside the school tennis court. So parents and teachers are not aware of the notice. And wireless companies easily got the permits from city. Now our campus is full of dangerous RF radiation. Teachers, staff and students are exposed to the environment of 5 time higher cancer risk everyday.

I oppose the proposed permitting process for certain modifications to existing wireless towers and base stations. Longer process can allow more time to notice the public be aware of the potential high RF exposure.

Thanks for considering my opinion.

Best regards,
Qiushuang Zhang

Date: March 10, 2015 at 1:28:24 PM PDT

From: Weifang Xie <weifangx@yahoo.com>

Reply-To: Weifang Xie <weifangx@yahoo.com>

To: "kline@libraryworld.com" <kline@libraryworld.com>, "dyob@hopkinscarley.com" <dyob@hopkinscarley.com>, "edesab@yahoo.com" <edesab@yahoo.com>, "nick@nickpham.com" <nick@nickpham.com>, "Ed@Abelite.com" <Ed@Abelite.com>, "brian.ohalloran@att.net" <brian.ohalloran@att.net>, "jenny.nusbaum@sanjoseca.gov" <jenny.nusbaum@sanjoseca.gov>

Cc: JENNY YUAN <jennyyuan2000@yahoo.com>

Subject: Strongly against upcoming changes to zoning code to streamline processing of Wireless Communications Antennae

Dear San Jose City Planning Commissioners,

I just heard about following public hearing notice from our friends. I'm writing to you that I STRONGLY oppose this change.

As a matter of fact, even before this change, we're already suffering from the non-transparent communication process when cell towers are being proposed or added. As a local Lynbrook High School resident/parent for close to 10 years, we never know that Lynbrook campus has 3 cell towers already, and not aware of the 4th cell tower being approved by your panel back in May 2014 until last minute it's put on agenda at FUHSD board meeting Feb 3, 2015. We have never received any public hearing notice and never know any power change and radiation increase on existing cell towers. Those are IMPORTANT health factors we should be aware of and being notified!

As you may or may not know, cell towers expose strong RF radiation to its nearby residents and population. Not as wireless companies have claimed that RF radiations within FCC standards are harmless, it indeed is HARMFUL and increase cancer risks and other health damages tremendously. We've found lots of scientific research papers/reports that proves RF radiation from cell towers are HARMFUL. WHO has classified this as carcinogenesis. When the topic is about health issues, all affected population should have the right to voice their opinions in a public hearing. That's their basic Human Right and should not be violated.

In addition, US FCC standards are lagging behind, about 20 years outdated. The RF limit is hundreds to thousands times higher than most other countries who impose stricter restrictions and regulations on the distance a cell tower can be placed near population (like 1300 ~ 1500 feet away). Due to business interest, wireless industry has corrupted most scientific researches and hiring people to just say YES and claim NO HARM when proposing to build or expand cell towers. With the upcoming zoning code change, they're trying to make their changes easier by adding more power and radiation exceeding RF limits without being noticed, or public involved. Do you know how many wireless carriers even dare to put in RF limits into contracts? And how often they increase their RF radiation level exceeding limit without being noticed? This is TOTALLY UNFAIR to public!

In addition, we strongly urge City of San Jose to enforce a city wide policy to ban cell towers in schools, as school campus has the most vulnerable population to RF exposures. Thousands school kids are under RF radiation for 7-10 hours per day which is extremely unsafe. Any cell tower proposals near a school location should hold a public hearing to all its parents and staff, not just nearby residents within 300 feet, as school kids and staff are temporary on campus residents more than 1/3 of their day. Many school districts around the world have banned cell towers in schools like Los Angeles Unified School District, even Firefighters oppose cell towers in their facilities. As heart of Silicon Valley for the City of San Jose, we really want to see our City officials to be a leader and pioneer to ban cell towers in schools and provide our kids a radiation free and safe campus!

Sincerely,
Weifang Xie

Date: March 10, 2015 at 1:54:14 PM PDT

From: Xiaogang Qiu <xiaogangqiu@yahoo.com>

Reply-To: Xiaogang Qiu <xiaogangqiu@yahoo.com>

To: "kline@libraryworld.com" <kline@libraryworld.com>, "dyob@hopkinscarley.com" <dyob@hopkinscarley.com>, "edesab@yahoo.com" <edesab@yahoo.com>, "nick@nickpham.com" <nick@nickpham.com>, "Ed@Abelite.com" <Ed@Abelite.com>, "brian.ohalloran@att.net" <brian.ohalloran@att.net>, "jenny.nusbaum@sanjoseca.gov" <jenny.nusbaum@sanjoseca.gov>

Subject: STRONGLY oppose Proposal PP15-014 (Item 4C)

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,
Xiaogang

From: Shenglin Yang <shengliny@gmail.com>

Date: March 10, 2015 at 2:14:55 PM PDT

To: Shenglin Yang <shengliny@gmail.com>

Subject: Opposite to the proposal PP15-014 (Item 4C)

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,

Shenglin

From: "mary.ma@newport.com" <mary.ma@newport.com>

Date: March 10, 2015 at 2:21:35 PM PDT

To: "kline@libraryworld.com" <kline@libraryworld.com>, "dyob@hopkinscarley.com" <dyob@hopkinscarley.com>, "edesab@yahoo.com" <edesab@yahoo.com>, "nick@nickpham.com" <nick@nickpham.com>, "Ed@Abelite.com" <Ed@Abelite.com>, "brian.ohalloran@att.net" <brian.ohalloran@att.net>, "jenny.nusbaum@sanjoseca.gov" <jenny.nusbaum@sanjoseca.gov>

Subject: No PP15-014-4c

To Who It May Concern,

As a city resident, I am strongly against the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any cell tower building in schools should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best

Shuqing ma

Resident of

5433 castle manor dr, San jose

Sent from my iPhone

From: Weifang Xie <weifangx@yahoo.com>

Sent: Tuesday, March 10, 2015 2:44 PM

To: kline@libraryworld.com; dyob@hopkinscarley.com; edesab@yahoo.com; nick@nickpham.com; Ed@Abelite.com; brian.ohalloran@att.net; Nusbaum, Jenny

Subject: Re: Strongly against upcoming changes to zoning code to streamline processing of Wireless Communications Antennae

FYI, my address for your verification purpose:

1591 Johnson Ave
San Jose, CA 95129

On Tuesday, March 10, 2015 1:28 PM, Weifang Xie <weifangx@yahoo.com> wrote:

Dear San Jose City Planning Commissioners,

I just heard about following public hearing notice from our friends. I'm writing to you that I STRONGLY oppose this change.

As a matter of fact, even before this change, we're already suffering from the non-transparent communication process when cell towers are being proposed or added. As a local Lynbrook High School resident/parent for close to 10 years, we never know that Lynbrook campus has 3 cell towers already, and not aware of the 4th cell tower being approved by your panel back in May 2014 until last minute it's put on agenda at FUHSD board meeting Feb 3, 2015. We have never received any public hearing notice and never know any power change and radiation increase on existing cell towers. Those are IMPORTANT health factors we should be aware of and being notified!

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In addition, US FCC standards are lagging behind, about 20 years outdated. The RF limit is hundreds to thousands times higher than most other countries who impose stricter restrictions and regulations on the distance a cell tower can be placed near population (like 1300 ~ 1500 feet away). Due to business interest, wireless industry has corrupted most scientific researches and hiring people to just say YES and claim NO HARM when proposing to build or expand cell towers. With the upcoming zoning code change, they're trying to make their changes easier by adding more power and radiation exceeding RF limits without being noticed, or public involved. Do you know how many wireless carriers even dare to put in RF limits into contracts? And how often they increase their RF radiation level exceeding limit without being noticed? This is TOTALLY UNFAIR to public!

In addition, we strongly urge City of San Jose to enforce a city wide policy to ban cell towers in schools, as school campus has the most vulnerable population to RF exposures. Thousands school kids are under RF radiation for 7-10 hours per day which is extremely unsafe. Any cell tower proposals near a school location should hold a public hearing to all its parents and staff, not just nearby residents within 300 feet, as school kids and staff are temporary on campus residents more than 1/3 of their day. Many school districts around the world have banned cell towers in schools like Los Angeles Unified School District, even Firefighters oppose cell towers in their facilities. As heart of Silicon Valley for the City of San Jose, we really want to see our City officials to be a leader and pioneer to ban cell towers in schools and provide our kids a radiation free and safe campus!

Sincerely,
Weifang Xie

From: Yan Lu <yanlu86@yahoo.com>
Sent: Tuesday, March 10, 2015 3:21 PM
To: Nusbaum, Jenny
Subject: No tower in schools

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,
Yan

Sent from my iPhone

From: XuLeon <leon_x_xu@hotmail.com>

Date: March 10, 2015 at 7:13:27 PM PDT

To: "jenny.nusbaum@sanjoseca.gov" <jenny.nusbaum@sanjoseca.gov>

Subject: No Cell Towers in School

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best Regards,

Zhaoni Chen & Leon Xu

From: Don Wu <wudg@hotmail.com>

To: "kline@libraryworld.com" <kline@libraryworld.com>

Subject: Strongly Oppose Proposal PP15-014 to protect our community!

Date: March 10, 2015 at 9:01:31 PM PDT

Dear Member,

As a San Jose resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best Regards,

Don Wu
6000 Countess Drive,
San Jose, CA 95129

From: MingChen Wu [mailto:mwu1151@gmail.com]
Sent: Tuesday, March 10, 2015 10:04 PM
To: kline@libraryworld.com; Dori L. Yob; edesab@yahoo.com; nick@nickpham.com; Ed@abelite.com; brian.ohalloran@att.net; mayoremail@sanjoseca.gov
Cc: MingChen Wu
Subject: strongly oppose the Proposal PP15-014 (Item 4C)

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,
MingChen Wu

Date: March 11, 2015 at 2:57:03 PM PDT

From: Yue Zhuo <yzhuo@yahoo.com>

Reply-To: Yue Zhuo <yzhuo@yahoo.com>

To: "kline@libraryworld.com" <kline@libraryworld.com>, "dyob@hopkinscarley.com" <dyob@hopkinscarley.com>, "edesab@yahoo.com" <edesab@yahoo.com>, "nick@nickpham.com" <nick@nickpham.com>, "Ed@Abelite.com" <Ed@Abelite.com>, "brian.ohalloran@att.net" <brian.ohalloran@att.net>, "mayoremail@sanjoseca.gov" <mayoremail@sanjoseca.gov>

Subject: No Proposal PP15-014 and NO Tower in School Please!

To Who It May Concern,

As a city resident, I strongly oppose the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, **any tower building in school should not be allowed.** Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,

Tina

San Jose City Resident

(408) 996-9678

From: chung hwang [<mailto:ckca2003@yahoo.com>]
Sent: Wednesday, March 11, 2015 3:43 PM
To: Dori L. Yob
Subject: Lynbrook High Cell Phone Generator Installing

To Who It May Concern,
I am not able to attend the public hearing but a I am concerned about this issue.

As a city resident, I strongly opposite the Proposal PP15-014 (Item 4C) which is trying to revise the permitting process for certain modification to existing wireless towers. This proposal will allow wireless company to expand cell towers without the public being aware of it. People may be exposed to high radiation without knowing it.

In addition, any tower building in school should not be allowed. Kids are more vulnerable and have higher health risk when exposing to radiation. They deserve a safer environment!!!

Best,
Parent of a Lynbrook High student
Chung-ling Huang